

1 **WO**

JWB

2

3

4

5

6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

8

9 Forrest Dunbar,

10 Plaintiff,

11 vs.

12 Dora Schriro, et al.,

13 Defendants.

) No. CV 08-0420-SMM-MEA

) **ORDER TO SHOW CAUSE**

14)

15)

16 Plaintiff Forrest Dunbar, who was formerly confined in the Arizona State Prison

17 Complex in San Luis, Arizona, has filed a *pro se* First Amended Complaint pursuant to 42

18 U.S.C. § 1983 (Doc. # 11). Plaintiff was granted leave to proceed *in forma pauperis* and

19 assessed the statutory filing fee of \$350.00. (Doc. #9). Plaintiff has now informed the Court

20 that he has been released from custody (Doc. # 22). Plaintiff was cautioned that in the event

21 of his release, he would be required to pay the balance of the filing fee within 120 days or

22 show cause within 30 days why he cannot pay. Currently, Plaintiff owes \$166.92 towards

23 the fee.

24 Accordingly, Plaintiff will be given 30 days from the date this Order is filed to either

25 pay the \$166.92 balance of the filing fee or file a "Response" to this Order. Plaintiff's

26 Response must state the date of his release and must either promise to pay the unpaid balance

27 of the filing fee within 120 days from the date of his release **or** show good cause why he

28 cannot pay the outstanding balance of the filing fee. Plaintiff's Response must be made

1 under penalty of perjury. See 28 U.S.C. § 1746 (oath requirement may be satisfied when a
2 person declares under penalty of perjury that the submission is true and correct and signs and
3 dates the document).

4 If Plaintiff fails to timely comply with every provision of this Order, the Court may
5 dismiss this action without further notice. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61
6 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with any order
7 of the Court).

8 **IT IS ORDERED:**

9 (1) The reference to the Magistrate Judge is withdrawn only with respect to the
10 filing fee. All other matters in this action remain with the Magistrate Judge for disposition
11 as appropriate.

12 (2) Within **30 days** from the date this Order is filed, Plaintiff must either pay the
13 \$166.92 balance of the \$350.00 filing fee **or** file a Response as described above.

14 (3) If Plaintiff fails to pay the balance of the filing fee **or** file a Response to this
15 Order within 30 days, the Clerk of Court must enter a judgment of dismissal of this action
16 without prejudice.

17 DATED this 6th day of April, 2009.

18
19 
20 _____
21 Stephen M. McNamee
22 United States District Judge
23
24
25
26
27
28